

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA :  
 :  
 v. : CRIMINAL No. 04-10010-PBS  
 :  
 MATTHEW DWINELLS, :  
 Defendant :  
 :

Joint Statement Pursuant to Local Rule 116.5(A)

The parties submit the following pursuant to Local Rule 116.5(A):

(1) The parties anticipate that they may need relief under the timing requirements of L.R. 116.3.

(2) The defendant requests discovery pertaining to expert witnesses pursuant to F.R.Cr.P. 16(a)(1)(G). The parties request that the deadlines for making the requisite expert witness disclosures thirty be set as: the United States must provide such discovery (30) days prior to trial and the defendant must provide reciprocal disclosures fourteen (14) days prior to trial.

(3) The parties anticipate providing additional discovery in accordance with item (2) above. The United States also anticipates obtaining tape recordings involving the defendant, and will provide them upon receipt.

(4) The United States provided automatic discovery on March 4, 2004. Defense counsel has not yet had time to review and discuss that discovery with the defendant. Accordingly, the defense has not yet made a determination regarding dispositive motions.

(5) The parties request that the time period from February 19, 2004 through March 4, 2004 be excluded from calculation under the Speedy Trial Act due to the automatic discovery period (the court already excluded from February 5 through 19). The parties further request that the time period from March 4, 2004 through the date of the next status conference be excluded in the interests of justice, due to ongoing discovery and the need for a determination regarding dispositive motions.

(6) At this time, due to ongoing discovery, the parties have not yet reached a conclusion regarding the need for a trial in this case. If a trial were to occur, the parties anticipate that it would take approximately five (5) days.

(7) The parties propose that an Interim Status Conference be scheduled to be held during the week of April 26, 2004.

The parties request that the conference currently scheduled for 2 p.m. March 18, 2004 be conducted by telephone. Sara Gottovi will represent the United States, and can be reached at the number below.

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By His Attorney

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March 11, 2004